

Guy Yonay (GY-3028)

**Eitan, Pearl, Latzer & Cohen Zedek LLP**

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Tel: (212) 632-3480

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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ELAM ELECTROLUMINESCENT )  
INDUSTRIES, LTD., and ELAM USA, INC., )  
Plaintiffs, ) Case No. \_\_\_\_\_  
v. )  
SOLUTION INDUSTRIES, INC. ) **COMPLAINT**  
Defendant. ) (JURY TRIAL DEMANDED)  
\_\_\_\_\_  
)

Elam Electroluminescent Industries, Ltd. and Elam USA, Inc., by and through its attorneys, for its Complaint against Solution Industries, Inc. states and alleges as follows:

1. This is an action for infringement of United States Patent Number 5,869,930 (the "930 Patent").

**JURISDICTION AND VENUE**

2. This action arises out of the patent laws, including Title 35 of the United States Code. This Court has subject matter jurisdiction over this action pursuant to the provisions of 28 U.S.C. §§ 1331, 1338(a).

3. Upon information and belief, Solution Industries is subject to personal jurisdiction in this district, insofar as it engaged in activities that constitute patent infringement in this jurisdiction.

4. Venue is proper in this judicial district pursuant to at least 28 U.S.C. §§ 1391 and 1400(b).

**PARTIES**

5. Elam Electroluminescent Industries, Ltd. ("Elam IL") is a corporation organized and existing under the laws of the State of Israel having its principal place of business at 8 Hamarpe St., Har Hotzvim Industrial Zone, Jerusalem, Israel.

6. Elam USA, Inc. ("Elam US", together with Elam IL referred to herein as "Elam") is a corporation organized and existing under the laws of the State of Delaware having its principal place of business at P.O. Box 1029, 9 Cowhill Lane, Wainscott, New York.

7. Upon information and belief, Solution Industries, Inc. ("Solution Industries") is a corporation organized and existing under the laws of the State of Texas having its principal place of business at 1704 Seamist Drive, Suite 410, Houston, Texas.

**CLAIM FOR RELIEF**

8. Elam IL is a manufacturer and seller of electroluminescent wire.

9. On February 9, 1999, the United States Patent and Trademark Office (the "USPTO") duly and lawfully issued US Patent No. 5,869,930 (the '930 Patent), entitled "Electroluminescent Light Source with a Mixture Layer Filled with a Transparent Filler Substance," based on an application filed by Israel Baumberg, Joseph S. Bodenheimer, Joseph Dvir, and Moses Voskoboinik, which has been duly and legally assigned to Elam IL. A copy of the '930 Patent is attached hereto as Exhibit A.

10. The '930 Patent claims, inter alia, a light source consisting of at least one flexible, cable-like electroluminescent filament, each filament comprising: a central electrode surrounded by an electrically insulating dielectric layer; a layer consisting of a mixture of an electroluminophor powder and a binder, said mixture layer being disposed on said dielectric layer; a transparent electrode surrounding said mixture layer, wherein pores formed in said mixture layer are filled in by a liquid solid transparent filler substance.

11. Elam US is a wholly-owned subsidiary of Elam IL and the exclusive distributor in the United States of Elam IL's electroluminescent wire products.

12. Upon information and belief, Solution Industries makes, uses, sells, imports and/or otherwise distributes in the United States without license or permission of Elam EL wires and/or EL products.

13. Upon information and belief, Solution Industries has advertised, offered to sell and sold its EL wires, inter alia, over the Internet, and continues to do so.

14. Upon information and belief, Solution Industries has sold its EL wire in New York and continues to do so.

15. Upon information and belief, the EL wire sold by Solution Industries infringes at least one claim of the '930 Patent.

16. Upon information and belief, Solution Industries' acts of infringement are continuing and ongoing.

17. Upon information and belief, Solution Industries' acts of infringement are knowing and willful.

#### **DEMAND FOR RELIEF**

WHEREFORE, Elam requests the following relief:

1. A judgment providing that Solution Industries' importation into the United States, manufacture, use, sale and/or offer for sale of its EL wire and/or EL products infringe the '930 Patent;
2. A judgment permanently enjoining Solution Industries from importing into the United States, making, using, selling, or offering to sell its infringing EL wire and/or EL products until the expiration of the '930 Patent;
3. A judgment awarding Elam damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by Solution Industries, in accordance with 35 U.S.C. § 284;
4. A judgment awarding Elam treble damages assessment in accordance with 35 U.S.C. § 284;
5. Costs and expenses incurred in pursuing this action;
6. A declaration of this case as exception pursuant to 35 U.S.C. § 285 and awarding Elam its attorneys' fees accordingly; and

7. Such further and other relief as this Court may determine to be just and proper.

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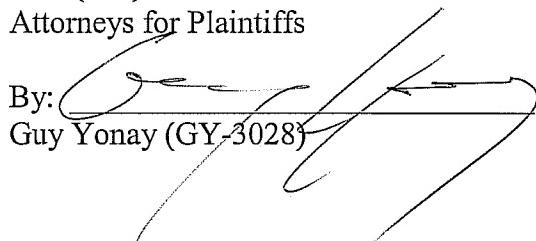
Fax: (212) 632-3489

Attorneys for Plaintiffs

By:

Guy Yonay (GY-3028)

Dated: August 19, 2004

A handwritten signature in black ink, appearing to read "Guy Yonay", is written over a horizontal line. To the right of the signature, there is a large, stylized, handwritten mark or flourish.

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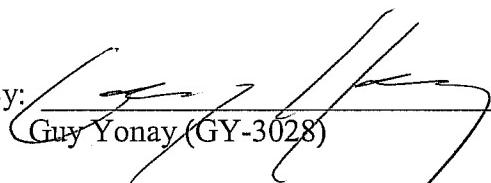
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\_\_\_\_\_  
)

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for plaintiffs Elam Electroluminescent Industries, Ltd. and Elam USA, Inc., private non-governmental parties certifies that the plaintiffs have no corporate parents, affiliates and/or subsidiaries which are publicly held.

Date: August 19, 2004

By:   
Guy Yonay (GY-3028)

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